

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:

BURCH, MATTHEW C.

Serial No.: 10/071,560

Filed: February 8, 2002

SYSTEMS AND METHODS FOR TRACK  
LOG SELECTIONAttorney Docket No.:  
702.165

Group Art Unit No. 2164

Examiner: ORTIZ, BELIX M.

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being sent by facsimile to 501-273-8300 on:	
8/3/2005	<i>David L. Terrell</i>
Date	Signature

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**APPELLANTS' BRIEF ON APPEAL**

In response to the Office Action dated June 2, 2005, Appellants' brief on Appeal in accordance with 37 C.F.R. § 41.37 is hereby submitted. The Examiner's rejections of claims 1-45 are herein appealed, and allowance of said claims is respectfully requested.

The requisite fee of \$500.00 as required by 37 C.F.R. § 41.20 is submitted herewith. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 501-791.

Respectfully submitted,

*David L. Terrell*

David L. Terrell, Reg. No. 50,576  
Garmin International, Inc.  
1200 East 151<sup>st</sup> Street  
Olathe, KS 66062  
(913) 397-8200  
(913) 397-9079 (Fax)

Adjustment Date: 10/05/2005 SDIRETA1  
08/08/2005 SSITHIB1 00000026 501791 10071560 By:  
01 FC:1402 500.00 CR

08/05/2005 EFLORES 00000098 10071560  
01 FC:1402 500.00 DA

GARMIN INTERNATIONAL, INC.  
1200 East 151<sup>st</sup> Street  
Olathe, Kansas 66062

Applicant(s): Burch, Matthew C.

Serial No.: 10071,560

Filed: February 8, 2002

For: SYSTEMS AND METHODS FOR TRACK LOG  
SELECTION

Attorney Docket No. 702.165

Group Art Unit: 2164

Examiner: Ortiz, Belix M.

Confirmation No. 9891

Mail Stop - Appeal Brief - Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith is an Appeal Brief in the above-identified application. Please charge the filing fee as outlined below.

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | No additional fee is required.  |
| <input type="checkbox"/>            | A check in the amount of * is attached.   |
| <input checked="" type="checkbox"/> | Charge \$500.00 to Deposit Account No. 501-791. A duplicate of this sheet is enclosed.                                      |
| <input checked="" type="checkbox"/> | Charge any additional fees or credit any overpayment to Deposit Account No. 501-791. A duplicate of this sheet is enclosed. |

A verified statement under 37 C.F.R. §§ 1.9 and 1.27

- |                                     |                                   |
|-------------------------------------|-----------------------------------|
| <input type="checkbox"/>            | is attached.                      |
| <input checked="" type="checkbox"/> | is of record in this application. |

Respectfully submitted,

GARMIN INTERNATIONAL, INC.

By

Name: David L. Terrell  
Reg. No. 50,576

Date: 8/3/05

Adjustment Date: 10/05/2005 SDIRETA1  
08/11/2005 SMINASS1 00000070 501791 10071560  
01 FC:1402 500.00 CR

RECEIVED  
OIP/EI/AP  
AUG 11 2005



GARMIN INTERNATIONAL, INC. • 1200 E. 151st Street • OLATHE, KS. 66062 USA • TEL. (913) 397-8200 • FAX (913) 397-9079

**TO:** Deposit Account Refunds Branch  
**COMPANY:** USPTO  
**FAX #:** (571) 273-6500  
**FROM:** Devon A. Rolf, Assistant General Counsel—Intellectual Property  
Garmin International, Inc. (E-mail: [devon.rolf@garmin.com](mailto:devon.rolf@garmin.com))  
**DATE:** August 16, 2005

**FACSIMILE COVER SHEET (Page 1 of 7)**

The information contained in this facsimile transmission is confidential and intended only for the use of the named addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please call the sender immediately at (913) 397-8200 and return the original message to us at the above address via mail. You will be reimbursed for the cost of the call and postage. Thank you.



August 16, 2005

VIA FACSIMILE - (571) 273-6500

Deposit Account Refunds Branch  
Commissioner for Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: REQUEST FOR REFUND  
Date: 8/05 - Seq. 123  
Date: 8/08 - Seq. 30  
Date: 8/11 - Seq. 110  
SN 10/071,560  
Atty. Dkt. No. 702.165  
Fee Codes: 1402  
Amount: \$500

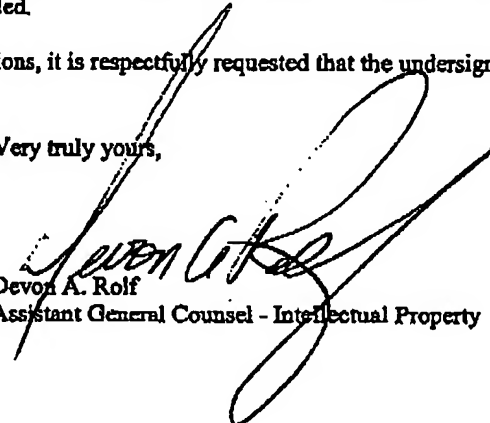
Dear Sir or Madam:

Our August, 2005 statement shows three charges each in the amount of \$500 (Sequence 123, 30 and 110) for the filing of an Appeal Brief. Applicant's Appeal Brief was faxed to the PTO on August 3, again on August 4, and for the 3<sup>rd</sup> time on August 10, as no PTO confirmation was received. Attached are copies of applicant's cover sheets. Applicant felt that the second and third faxes were necessary in order to hopefully obtain PTO confirmation and knowledge that the brief had been received. However, to-date, no PTO confirmation has yet to be received for any of the facsimiles.

It is believed that our Deposit Account should only be charged once for the Appeal Brief as applicant was merely attempting to obtain knowledge that the document had been received and to make certain that brief was timely filed.

Should there be any questions, it is respectfully requested that the undersigned be contacted at the number listed below.

Very truly yours,



Devon A. Rolf  
Assistant General Counsel - Intellectual Property

DAR:ur  
Attachments

Garmin International, Inc.

1200 East 151st Street

Olathe, Kansas 66062

P: 913-397-8200

## Deposit Account Statement

Page 1 of 2


**United States  
Patent and  
Trademark Office**

USPTO  
Home  
Page  
Finance  
Online  
Shopping  
Page

**Deposit Account Statement**

Requested Statement Month: August 2005  
 Deposit Account Number: 501791  
 Name: GARMIN CORPORATION  
 Attention: DEVON A ROLF  
 Address: 1200 EAST 151 ST STREET  
 City: OLATHE  
 State: KS  
 Zip: 66062  
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/01	67	11191564	702.428	1011	\$300.00	\$18,913.00
08/01	68	11191564	702.428	1111	\$500.00	\$18,413.00
08/01	69	11191564	702.428	1311	\$200.00	\$18,213.00
08/05	51	10327829	702.218	1801	\$790.00	\$17,423.00
08/05	52	10327829	702.218	1814	\$130.00	\$17,293.00
08/05	123	10071560	1528.035US1	1402	\$500.00	\$16,793.00
08/08	19	10327829	702.218	1801	\$790.00	\$16,003.00
08/08	20	10327829	702.218	1814	\$130.00	\$15,873.00
08/08	30	10071560	1528.035US1	1402	\$500.00	\$15,373.00
08/09	1543	78688423	701.297 - LTD.	7001	\$650.00	\$14,723.00
08/09	1639	78688459	701.298 - LTD.	7001	\$650.00	\$14,073.00
08/09	1654	78688469	701.299 - LTD.	7001	\$650.00	\$13,423.00
08/10	45	6427959	GRCP.78372 - CORP.	1551	\$900.00	\$12,523.00
08/10	447	78291227	701.201 - LTD.	7004	\$150.00	\$12,373.00
08/11	110	10071560	1528.035US1	1402	\$500.00	\$11,873.00
08/12	11	10928039	702.365	1501	\$1,400.00	\$10,473.00
08/12	12	10928039	702.365	1504	\$300.00	\$10,173.00
08/12	1176	2288989	GRCP.69129 - CORP.	7206	\$100.00	\$10,073.00
08/12	1177	2288989	GRCP.69129 - CORP.	7208	\$200.00	\$9,873.00
08/15	59	11201904	702.434	1011	\$300.00	\$9,573.00
08/15	60	11201904	702.434	1111	\$500.00	\$9,073.00
08/15	61	11201904	702.434	1311	\$200.00	\$8,873.00
08/15	96	10848911	702.349	1801	\$790.00	\$8,083.00
08/16	34	6434485	702.139	1551	\$900.00	\$7,183.00
08/16	35	6434484	702.136	1551	\$900.00	\$6,283.00

START SUM OF SUM OF END

08/16/2005 11:25 FAX 913 397 9079

LEGAL

004

Deposit Account Statement

Page 2 of 2

BALANCE CHARGES

\$19,213.00 \$12,930.00

REPLENISH BALANCE

\$0.00 \$6,283.00

[Need Help?](#) | [USPTO Home Page](#) | [Finance Online Shopping Page](#)

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	1758
CONNECTION TEL	9p15712738300p1463
SUBADDRESS	
CONNECTION ID	
ST. TIME	08/10 09:58
USAGE T	05'39
PGS. SENT	30
RESULT	OK



GARMIN INTERNATIONAL, INC. • 1200 E. 151st Street • OLAHE, KS, 66062 USA • TEL. (913) 397-8200 • FAX (913) 397-9079

TO: USPTO  
FAX #: (571) 273-8300  
FROM: Devon A. Rolf, Assistant General Counsel—Intellectual Property  
Garmin International, Inc. (E-mail: devon.rolf@garmin.com)  
DATE: August 10, 2005

FACSIMILE COVER SHEET (Page 1 of 30)

Re:

Burch, Matthew C.  
Serial No. 10/071,560  
Filed: February 8, 2002

Atty. Dkt. No. 702.166  
Examiner: Ortiz, Belix M.  
Group Art Unit 2164

SYSTEMS AND METHODS FOR TRACK LOG SELECTION

**THIS IS BEING RE-FAXED AS NO PTO CONFIRMATION HAS EVER BEEN RECEIVED**

Attached is an Appeal Brief for filing in connection with the above-referenced application. The Commissioner is hereby authorized to charge any fee which may be due, or credit any overpayment, to Deposit Account No. 501-791.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	1756
CONNECTION TEL	9p15712738300p1463
SUBADDRESS	
CONNECTION ID	
ST. TIME	08/04 16:38
USAGE T	05'32
PGS. SENT	29
RESULT	OK



GARMIN INTERNATIONAL, INC. • 1200 E. 151st Street • OLAHE, KS. 66082 USA • TEL. (913) 397-8200 • FAX (913) 397-9079

TO: USPTO  
FAX #: (571) 273-8300  
FROM: Devon A. Rolf, Assistant General Counsel—Intellectual Property  
Garmin International, Inc. (E-mail: devon.rolf@garmin.com)  
DATE: August 8, 2005

FACSIMILE COVER SHEET (Page 1 of 29)

Re:

Burch, Matthew C.  
Serial No. 10/071,560  
Filed: February 8, 2002

Atty. Dkt. No. 702.165  
Examiner: Ortiz, Belix M.  
Group Art Unit 2164

SYSTEMS AND METHODS FOR TRACK LOG SELECTION

**THIS IS BEING RE-FAXED TO THE NEW FAX NUMBER AS NO PTO CONFIRMATION  
WAS RECEIVED TO THE ORIGINAL FAX SENT YESTERDAY TO THE OLD NUMBER.**

Attached is an Appeal Brief for filing in connection with the above-referenced application. The Commissioner is hereby authorized to charge any fee which may be due, or credit any overpayment, to Deposit Account No. 501-791.



\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	1752
CONNECTION TEL	9p15712738300p1463
SUBADDRESS	
CONNECTION ID	
ST. TIME	08/03 15:18
USAGE T	05'17
PGS. SENT	28
RESULT	OK



GARMIN INTERNATIONAL, INC. • 1200 E. 151st Street • OLATHE, KS. 66062 USA • TEL. (913) 397-8200 • FAX (913) 397-9079

TO: USPTO  
FAX #: (571) 273-8300  
FROM: Devon A. Rolf, Assistant General Counsel—Intellectual Property  
Garmin International, Inc. (E-mail: devon.rolf@garmin.com)  
DATE: August 3, 2005

FACSIMILE COVER SHEET (Page 1 of 28)

Re:

Burch, Matthew C.  
Serial No. 10/071,560  
Filed: February 8, 2002

Atty. Dkt. No. 702.165  
Examiner: Ortiz, Belix M.  
Group Art Unit 2164

## SYSTEMS AND METHODS FOR TRACK LOG SELECTION

Attached is an Appeal Brief for filing in connection with the above-referenced application. The Commissioner is hereby authorized to charge any fee which may be due, or credit any overpayment, to Deposit Account No. 501-791.